



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Murphy et al.
Title: TRIACYLGLYCEROL-
BASED ALTERNATIVE TO
PARAFFIN WAX
Application No.: 10/655,945
Filing Date: 09/05/2003
Examiner: Toomer, Cephia D.
Art Unit: 1714

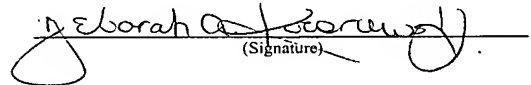
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EV 459167505 US December 3, 2004
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INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.56

The USPTO has waived the requirement under 37 C.F.R. § 1.98(a)(2)(i) to submit copies of U.S. patents and U.S. patent application publications when citing and submitting in Information Disclosure Statements in a patent application filed after June 30, 2003 and in an international application that has entered the national stage under 37 U.S.C. § 371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to OG Notice dated August 5, 2003, *Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003.*

Applicants submit herewith on Form PTO/SB/08 a listing of the documents cited by or submitted to the U.S. Patent and Trademark Office in Parent Application Serial No. 09/877,716, filed June 8, 2001 (now issued as U.S. 6,645,261). As provided in 37 C.F.R. § 1.98(d), copies of documents, which were previously submitted to the United States Patent and Trademark Office in the above-identified parent application, are not being provided herewith. In order to facilitate prosecution, however, Applicants will provide the Examiner with additional copies of any of the cited documents upon request.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 C.F.R. § 1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 C.F.R. § 1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

PCT Patent Application WO 96/14373 discloses a mixture for use in a burning device which includes a wick. The mixture includes at least one stearin component, such as stearic acid, palmitic acid and/or wax, added to an oil to produce the burning mixture.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with M.P.E.P. § 609.

In addition to the references cited on the enclosed Form PTO/SB/08, it is Applicants' understanding that a triacylglycerol stock, which has composition substantially corresponding to that disclosed for Formulation I in Example 1 of U.S. 6,645,261, was sold in the United States in June 1999 by Cargill Incorporated.

It is Applicants' understanding that candles formed from soybean oil-based waxes, which had compositions substantially corresponding to those described in Examples 2 and 3 of U.S. 6,645,261, were sold in the United States as early as July/August 1999, by Self-Help Candleworks, Inc. (Cedar Rapids, Iowa).

It is Applicants' understanding that a candle wax having characteristics substantially as shown below was sold and/or commercially sampled in the United States as early as October 2000. ("TAG" – Triacylglycerol; "TAG Composition" – fatty acid composition of TAG fraction; "MDP" – melting point; "Total TAG" – total TAG content).

	Oct. 2000 Candle <u>Wax Blend</u>
TAG Composition	
≤14:0	0.4 %
C16:0	16 %
C18:0	27-28 %
C18:1	52-53 %
C18:2	2-3 %
≥C20	0.4 %
Total TAG	100 %
MDP	128°F
Iodine Value	circa 55

It is Applicant's understanding that a candle wax having characteristics substantially as shown below was sold and/or commercially sampled in the United States by Redwood Candle Company (Redwood Falls, Minnesota) as early as March 2001.

	<u>Redwood Candle Wax Blend</u>
TAG Composition	
C16:0	10-11 %
C18:0	31-32 %
C18:1	54-55 %
C18:2	1 %
Total TAG	99+ %
MDP	123°F
Iodine Value	48-50


It is Applicant's understanding that a triglyceride candle wax having characteristics substantially as shown below was sold and/or commercially sampled in the United States as early as April, 2001.

	<u>Triglyceride Candle Wax Blend</u>
TAG Composition	
C16:0	17 %
C18:0	26 %
C18:1	53-54 %
C18:2	≤ 1 %
Total TAG	100 %
MDP	125-128°F
Iodine Value	48-52

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Respectfully submitted,

Date Dec. 3, 2004

By 

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Substitute for form 1449B/PTO

Complete if Known

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Date Submitted: December 2, 2004

(use as many sheets as necessary)

Application Number	10/655,945
Filing Date	09/05/2003
First Named Inventor	Timothy A. Murphy
Group Art Unit	1714
Examiner Name	Toomer, Cephia D.
Attorney Docket Number	023829-0260

Sheet 1 of 3

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A1	2004/0221504	A1	Murphy	11/11/2004	
	A2	2004/0221503	A1	Murphy et al.	11/11/2004	
	A3	6,797,020	B2	Murphy	09/28/2004	
	A4	6,773,469	B2	Murphy	08/10/2004	
	A5	6,770,104	B2	Murphy	08/03/2004	
	A6	6,758,869	B2	Roeske et al.	07/06/2004	
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	A8	6,645,261	B2	Murphy et al.	11/11/2003	
	A9	6,599,334	B1	Anderson	07/29/2003	
	A10	6,582,728	B1	Platz et al.	06/24/2003	
	A11	2003/0061760	A1	Tao et al.	04/03/2003	
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	A36	5,338,187		Elharar	08/16/1994	
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	A42	4,714,496		Luken, Jr. et al.	12/22/1987	

 Examiner
Signature

 Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: December 2, 2004 <i>(use as many sheets as necessary)</i>			Complete if Known		
			Application Number	10/655,945	
			Filing Date	09/05/2003	
			First Named Inventor	Timothy A. Murphy	
			Group Art Unit	1714	
			Examiner Name	Toomer, Cephia D.	
			Attorney Docket Number	023829-0260	
Sheet	2	of	3		

U.S. PATENT DOCUMENTS					
		U.S. Patent Document			
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	A44	4,608,011		Comstock	08/26/1986
	A45	4,567,548		Schneeberger	01/28/1986
	A46	4,507,077		Sapper	03/26/1985
	A47	4,434,306		Kobayashi et al.	02/28/1984
	A48	4,411,829		Schulte-Elte et al.	10/25/1983
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	A58	1,954,659		Will	04/10/1934
	A59	1,935,946		Egan et al.	11/21/1933

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	A60		WO 96/14373	A1		05/17/1996		
	A61		EP 0 685 554	A1		12/06/1995		
	A62		JP 6009987	A	(Abstract Only)	01/18/1994		
	A63		JP 4059897	A2	(Abstract Only)	02/26/1992		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A64	BEHREN ET AL., "Beeswax and other Non-Paraffin Waxes," Presented at NCA Technical Meeting, June 19-20, 1991, 6 pages.	
	A65	BELL ET AL., "Sperm Oil Replacements: Synthetic Wax Esters from Selectively Hydrogenated Soybean and Linseed Oils," <i>Journal of the American Oil Chemists' Society</i> , June 1977, pp. 259-263, Vol. 54.	
	A66	Pages from Bitter Creek Candle Supply, Inc., Website (http://www.execpc.com/~bcsupply ; now @ http://www.candlesupply.com), available at least by 6/29/2000, 9 pages.	
	A67	Pages from Ecowax, Nature's Gifts, Inc., Website (http://ngiwax.com/ecowax.htm), available at least by 7/05/2000, 3 pages.	
	A68	Pages from Heartland Candleworks Website, available @ www.candleworks.org , available at least by 2/11/2000, 4 pages.	

Examiner Signature		Date Considered	
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		Attorney Docket Number	023829-0260

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	A69	FRAHM, "Harvest Lights: The only soy-based candle, a bright idea," available @ http://www.extension.uiuc.edu/~stratsoy/new/news/html/909166253.html , 10/23/1998, 2 pages.	
	A70	In Business, "America's Shining Example of Sustainable Business," available @ http://www.candleworks.org , March/April 1998, 3 pages.	
	A71	NOLLER, Chemistry of Organic Compounds, W.B. Saunders Company, 1957, pages 181 and 192.	
	A72	ORSO, "New Use for Soybeans Has Bright Future," available @ http://www.unitedsoybean.com/news/nr981014.htm , 10/14/1998, 2 pages.	
	A73	Purdue Agriculture News, Purdue May Agriculture & Natural Resources Package, available @ http://purdue-news.uns.purdue.edu/UNS/paks/agpak.digest.9605.html , May 1996, 3 pages.	
	A74	Purdue News, "Purdue students put the 'happy' back into birthday candles," available @ http://www.purdue.edu/UNS/html4ever/9611.Schweitzer.candles.html , November 1996, 3 pages.	
	A75	Purdue News, "Purdue students put the 'happy' back into birthday candles," available @ http://www.purdue.edu/UNS/html4ever/9604.schweitzer.html , May 1996, 2 pages.	
	A76	Purdue University School of Agriculture, 1998 Farm Progress Show, available @ http://www.admin.ces.purdue.edu/anr/98fps/fpspix/930.html , 1998, 4 pages.	
	A77	TAO, "Development of Vegetable Lipid-Based Candles," available at http://abe.www.ecn.purdue.edu/ABE/Research/research94/REPORT.94.Book_68.html , 1994, 2 pages.	

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